

**IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

JEFFREY A. PESTKA,	)	Case No: 4:04CV3317
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM AND</b>
	)	<b>ORDER</b>
FRED BRITTEN,	)	
	)	
Respondent.	)	

This matter is before the court on its own motion. The above referenced case is closed and the appeal time has expired.

Accordingly,

IT IS THEREFORE ORDERED that: the State Court Records filed as attachments to Filing No. 15, (1 Box), be returned to James D. Smith, counsel for Respondent, for appropriate disposition. The State Court Records may be picked up in Lincoln, Nebraska.

October 22, 2008.

BY THE COURT

s/ *Richard G. Kopf*  
United States District Judge